

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JAN 24 2020  
MITCHELL R. ELFERS  
CLERK

UNITED STATES OF AMERICA  
(PLAINTIFF)

DATE: 01/22/2020

VS ~

MICHAEL J. NISSEN  
(DEFENDANT)

MOTION FOR JUDGEMENT OF  
ACQUITTAL AFTER GUILTY VERDICT,  
OR, IN THE ALTERNATIVE, FOR  
A NEW TRIAL.

CASE # 1:19-CR-00077-JB

MOTION FOR JUDGEMENT OF ACQUITTAL AFTER GUILTY  
VERDICT, OR, IN THE ALTERNATIVE, FOR A NEW TRIAL.

NOW COMES, MICHAEL J. NISSEN, THE DEFENDANT  
(HEREINAFTER, DEFENDANT) IN THE ABOVE ENTITLED ACTION,  
RESPECTFULLY MOVES THIS HONORABLE COURT TO GRANT  
JUDGEMENT OF ACQUITTAL AFTER GUILTY VERDICT, OR,  
IN THE ALTERNATIVE, FOR A NEW TRIAL, FOR THE FOLLOWING:

1) THE VERDICT IS CONTRARY TO THE WEIGHT OF  
THE EVIDENCE

2) THE VERDICT IS NOT SUPPORTED BY SUBSTANTIAL  
EVIDENCE.

1 3) THE COURT ERRED IN DENYING THE DEFENDANTS  
2 MOTION TO DISMISS COUNTS I AND II OF THE INDICTMENT.  
3

4 4) THE COURT ERRED IN ITS DENIAL OF THE DEFENDANTS  
5 MOTION TO INSPECT THE GRAND JURY MINUTES.  
6

7 5) THE COURT ERRED IN ITS DENIAL OF THE DEFENDANTS  
8 MOTION FOR A BILL OF PARTICULARS.  
9

10 6) THE COURT ERRED IN DENYING THE DEFENDANTS  
11 MOTION FOR ACQUITTAL MADE AT THE CONCLUSION OF THE  
12 EVIDENCE.  
13

14 7) THE COURT ERRED IN DENYING THE MOTION OF  
15 DEFENDANT, FOR A DIRECTED ACQUITTAL AS A MATTER OF  
16 LAW, SINCE THE EVIDENCE PERTAINING TO HIM  
17 CONSISTED MERELY OF THE UNCORROBORATED TESTIMONY  
18 OF ACCOMPLICES IN A CONSPIRACY TO VIOLATE  
19 DEFENDANTS CIVIL RIGHTS.  
20

21 8) THE DEFENDANT WAS DEPRIVED OF A FAIR TRIAL  
22 AND SUBSTANTIALLY PREJUDICED BY THE PRETRIAL  
23 ACTIVITIES OF THE UNITED STATES ATTORNEY.  
24

25 9) AS A MATTER OF LAW THERE WAS  
26 REASONABLE DOUBT AS TO THE DEFENDANTS GUILT.  
27

28 10) IN THE EVENT OF DENIAL OF THE DEFENDANTS

1 MOTION FOR A JUDGEMENT OF ACQUITTAL AS TO ALL  
2 COUNTS ON WHICH A VERDICT OF GUILTY WAS  
3 RETURNED, FOR A NEW TRIAL PURSUANT TO RULE  
4 33 OF THE FEDERAL RULES OF CRIMINAL  
5 PROCEDURE ON EACH COUNT ON WHICH ACQUITTAL  
6 IS DENIED, FOR THE FOLLOWING REASONS:  
7

8 A) THE COURT ERRED IN DENYING THE  
9 DEFENDANTS MOTION FOR ACQUITTAL MADE AT  
10 THE CONCLUSIONS OF THE GOVERNMENTS CASE,  
11 AND AT THE CONCLUSION OF THE TOTAL CASE, AS  
12 A RESULT OF WHICH EXCESSIVE AND UNNECESSARY  
13 ISSUES WERE SUBMITTED TO THE JURY, RESULTING  
14 IN THEIR CONFUSION AND RESULTING IN THE  
15 DEFENDANT NOT HAVING A FAIR TRIAL EVEN AS  
16 TO THOSE COUNTS, IF ANY, ON WHICH THERE WAS  
17 SUFFICIENT EVIDENCE TO GO TO THE JURY.  
18

19  
20 DATED: 01/22/2020

RESPECTFULLY SUBMITTED

Michael J. Nissen

MICHAEL J. NISSEN

(DEFENDANT)



OFFICIAL SEAL

Birdie Jones

NOTARY PUBLIC - State of New Mexico

My Commission Expires 10-22-2023

Birdie Jones

ATTORNEY OR DEFENDANT WITHOUT ATTORNEY (NAME, ADDRESS)		RESERVED FOR CLERKS FILE STAMP
MICHAEL J. NISSEN 02508151 P.O. BOX 3540 SIBOLA COUNTY CORRECTIONS CENTER MILAN, NM 87021		RECEIVED UNITED STATES DISTRICT COURT ALBUQUERQUE, NEW MEXICO  JAN 24 2020  MITCHELL R. ELFERS CLERK <i>and</i>
UNITED STATES DISTRICT COURT 333 LOMAS BLVD NW ALBUQUERQUE, NM 87102		
DEFENDANT; MICHAEL J. NISSEN 03/08/1965		
PROOF OF SERVICE BY MAIL		CASE # 1:19-cr-00077-JB

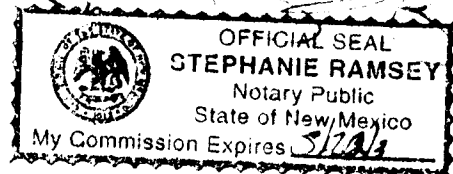
- 1) I AM OVER THE AGE OF 18 AND NOT A PARTY TO THIS ACTION.
- 2) I SERVED THE FOLLOWING; MOTION FOR JUDGEMENT OF ACQUITTAL AFTER GUILTY VERDICT, OR, IN THE ALTERNATIVE FOR A NEW TRIAL.
- 3) I SERVED A COPY OF THE DOCUMENTS ON 01/24/2020 AS FOLLOWS  
☒ BY MAIL; I SERVED THE DOCUMENTS BY ENCLOSING THEM IN AN ENVELOPE AND DEPOSITING THE SEALED ENVELOPE WITH THE UNITED STATES POSTAL SERVICE WITH THE POSTAGE FULLY PREPAID TO THE ADDRESS SHOWN BELOW:  
 UNITED STATES DISTRICT COURT  
 333 LOMAS BLVD NW  
 ALBUQUERQUE, NM 87102

4) I AM:

☒ NOT A REGISTERED NEW MEXICO PROCESS SERVER.

5) MY NAME, ADDRESS, TELEPHONE NUMBER

PAUL G. CARRILLO, JR.  
 6503 KARLSON DR. NE  
 ALBUQUERQUE, N.M. 87113



6) I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEW MEXICO THAT THE FOREGOING IS TRUE AND CORRECT: DATE: 01/24/2020

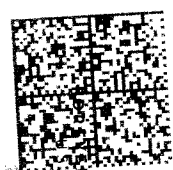
PAUL G. CARRILLO, JR.  
 (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

[Signature]  
 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

PROOF OF SERVICE BY MAIL

MICHAEL NISSEN  
P.O. NO. 02508151  
P.O. BOX 3540  
CATSBA COUNTY CONCENTRATION CAMP  
MILAN, NM 87021

ALBUQUERQUE  
NM 870  
23 JAN 20  
PM 2 L



POSTAGE BY BOWIES  
\$000.00  
JAN 23 2020  
Barn Swallow

CLERK OF,

UNITED STATES DISTRICT COURT

RECEIVED  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NM 87102

JAN 24 2020

MITCHELL R. ELFFERS  
CLERK

87102-227470



Legal Mail

LEGAL MAIL 01/23/2020 M5X

DEFACTO FEDERAL CROWN COURT  
23<sup>RD</sup> Constitutional Amendment  
Repealed August, 1978

CLERK OF THE COURT,  
SEND COURT STAMPED,  
ADDRESS.

COPIES TO RETURN



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT